

# Customs Bulletin

Regulations, Rulings, Decisions, and Notices  
concerning Customs and related matters



## and Decisions of the United States Court of Customs and Patent Appeals and the United States Court of International Trade

Vol. 14

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DECEMBER 24, 1980

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No. 52

*This issue contains*

T.D. 80-290 through 80-298

Proposed Rulemaking

Protest abstracts P80/183 through P80/187

Reap. abstracts R80/344

Recent Unpublished Customs Service Decision

International Trade Commission Notices

THE DEPARTMENT OF THE TREASURY  
U.S. Customs Service

## NOTICE

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# U.S. Customs Service

## Treasury Decisions

(T.D. 80-290)

### Bonds

Approval and discontinuance of carrier bonds, Customs form 3587

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Dated: December 4, 1980.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Bur-Cold Express, Inc., P.O. Box 3192, Brownsville, TX; motor carrier; Hartford Casualty Ins. Co.	Sept. 26, 1980	Oct. 14, 1980	Laredo, TX \$25,000
Chamy Transport Ltd., 3080 Bernard Pilon St., St. Mathieu de Boceill, Quebec, Canada J3G 4S5; motor carrier; Reliance Ins. Co.	Oct. 1, 1979	Oct. 8, 1980	Ogdensburg, NY \$50,000
Claxon Truck Line, Inc., 453 Versailles Rd., P.O.B. 678, Frankfort, KY; motor carrier; Ohio Farmers Ins. Co. D 11/3/80	Nov. 6, 1979	Nov. 15, 1979	Cleveland, OH \$100,000
Ernest James Cowart dba Jimmy Cowart Brokerage Co., P.O. Drawer NN, Pharr, TX; motor carrier; St. Paul Fire & Marine Ins. Co. (PB 7/31/79) D 10/16/80 <sup>1</sup>	July 31, 1979	Oct. 16, 1980	Laredo, TX \$25,000
Dist-Trans Multi-Services, Inc., P.O. Box 7191, 1333 Nevada Blvd., Charlotte, NC; motor carrier; American Casualty Co. of Reading, PA.	Aug. 13, 1980	Oct. 29, 1980	Wilmington, NC \$25,000

See footnotes at end of table.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
M. W. Ettinger Inc., 2711 Fairview Ave., North, Roseville, MN; motor carrier; Safeco Ins. Co. of America	Sept. 10, 1980	Oct. 15, 1980	Minneapolis, MN \$50,000
Farruggio's Bristol and Philadelphia Auto Express, Inc., 1419 Radcliffe St., Bristol, PA; motor carrier; The North River Ins. Co.	Oct. 1, 1980	Oct. 1, 1980	Philadelphia, PA \$50,000
W. R. Filbin & Co., Inc., 2436 Bagley Ave., Detroit, MI; motor carrier; St. Paul Fire & Marine Ins. Co.	Oct. 15, 1980	Oct. 15, 1980	Detroit, MI \$50,000
Fowler & Williams, Inc., 1300 Meylert Ave., Scranton, PA; motor carrier; Liberty Mutual Ins. Co. D 5/30/80	July 31, 1969	Aug. 12, 1969	New York, NY \$50,000
Greenwood Motor Lines Inc., Box 336, Greenwood, SC; motor carrier; The Aetna Casualty & Surety Co.	Sept. 4, 1980	Oct. 28, 1980	Charleston, SC \$25,000
Jet Services, Inc., 1946 S. First St., Milwaukee, WI; motor carrier; Continental Ins. Co.	July 1, 1980	Aug. 6, 1980	Milwaukee, WI \$25,000
Laurel Hill Trucking Co., 614 New County Rd., Secaucus, NJ; motor carrier; Western Surety Co. (PB 10/16/79) D 10/16/80 <sup>2</sup>	Oct. 16, 1980	Oct. 16, 1980	Newark, NJ \$50,000
Engle Oostdyk, Inc., 465 Blvd., Elmwood Park, NJ; motor carrier; Fireman's Fund Ins. Co. D 11/14/80	May 30, 1979	June 6, 1979	Philadelphia, PA \$50,000
Red Ball Motor Freight, Inc., 3177 Irving Blvd., P.O. Box 47407, Dallas, TX; motor carrier; The Aetna Casualty & Surety Co. (PB 7/1/74) D 10/22/80 <sup>3</sup>	Oct. 9, 1980	Oct. 22, 1980	Houston, TX \$25,000
Riverway Barge Co., 7703 Normandale Rd., Minneapolis, MN; water carrier; St. Paul Fire & Marine Ins. Co. (PB 10/16/69) D 9/30/80 <sup>4</sup>	Oct. 1, 1980	Oct. 1, 1980	Minneapolis, MN \$100,000
Ryder Truck Lines, Inc., Ranger Div. of Ryder Truck Lines, Inc., Helms Express Div. of Ryder Truck Lines, Inc., Byrns Motor Express Div. of Ryder Truck Lines, Inc., All States Trucking Div. of Ryder Truck Lines, Inc., motor carrier; American Casualty Co. of Reading, PA (PB 6/20/75) D 9/17/80 <sup>5</sup>	Sept. 9, 1980	Sept. 17, 1980	Tampa, FL \$25,000
John Schutt Jr., Inc., 665 River Rd., North Tonawanda, NY; motor carrier; The Travelers Indemnity Co. D 10/27/80	May 4, 1976	Jan. 7, 1977	Buffalo, NY \$25,000
Southeastern Michigan Brokers Co., 559 North Cedar St., Imlay City, MI; motor carrier; St. Paul Fire & Marine Ins. Co.	Oct. 15, 1980	Oct. 17, 1980	Laredo, TX \$25,000

See footnotes at end of table.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
United Trucking Service, Inc., 8505 W. Warren, Dearborn, MI; motor carrier; United States Fire Ins. Co. (PB 11/23/72) D 9/2/80 <sup>1</sup>	Aug. 30, 1980	Sept. 2, 1980	Detroit, MI \$50,000

<sup>1</sup> Principal is Ernest James Cowart d.b.a. Cowart Truck Brokerage.

<sup>2</sup> Surety is Federal Ins. Co.

<sup>3</sup> Surety is Protective Ins. Co.

<sup>4</sup> Principal is Hennepin Towing Co.

<sup>5</sup> Principal is Ryder Truck Lines, Inc., Ranger Div. of Ryder Truck Lines, Inc., Helms Express Div. of Ryder Truck Lines, Inc., W. T. Byrns Div. of Ryder Truck Lines, Inc.

<sup>6</sup> Surety is the Buckeye Union Ins. Co.

BON-3-03

MARILYN G. MORRISON,  
*Director,*  
*Carriers, Drawback and Bonds Division.*

(T.D. 80-291)

### White or Irish Potatoes, Other Than Certified Seed—Tariff-Rate Quota

Tariff-rate quota for the quota year beginning September 15, 1980, for white or Irish potatoes, other than certified seed

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Announcement of the quota quantity for white or Irish potatoes, other than certified seed, for the 12-month period beginning September 15, 1980.

SUMMARY: The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1980, is 45 million pounds.

EFFECTIVE DATES: The 1980 tariff-rate quota is applicable to white or Irish potatoes described in item 137.25, TSUS, entered, or withdrawn from warehouse, for consumption during the 12-month period beginning September 15, 1980.

FOR FURTHER INFORMATION CONTACT: Helen C. Rohrbach, Head, Quota Section, Duty Assessment Division, Office of Commercial Operations, U.S. Customs Service, Washington, D.C. 20229; 202-566-8592.

SUPPLEMENTARY INFORMATION: Each year the tariff-rate quota for potatoes described in item 137.25, Tariff Schedules of the

United States (TSUS), is based on the estimate by the Department of Agriculture of potatoes produced during the calendar year.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1980, made by the U.S. Department of Agriculture as of September 1, 1980, was in excess of 21 billion pounds.

In accordance with headnote 2, part 8A, of schedule 1, Tariff Schedules of the United States, the quota quantity is not increased because the estimated production is greater than 21 billion pounds.

(QUO-2-CT:D:S:Q)

Dated: December 5, 1980.

WILLIAM T. ARCHIE,  
*Acting Commissioner of Customs.*

[Published in the Federal Register, Dec. 11, 1980 (45 F.R. 81711)]

(T.D. 80-292)

#### Foreign Currencies—Daily Rates for Countries Not on Quarterly List

Rates of exchange based on rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Brazil cruzeiro, People's Republic of China yuan, Hong Kong dollar, Iran rial, Philippines peso, Singapore dollar, Thailand baht (tical), and Venezuela bolivar

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to part 159, subpart C, Customs Regulations (19 CFR 159, subpart C).

##### Brazil cruzeiro:

November 24-25, 1980.....	\$0. 0163
November 26-28, 1980.....	. 0160

##### People's Republic of China yuan:

November 24-28, 1980.....	\$0. 656254
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##### Hong Kong dollar:

November 24, 1980.....	\$0. 196483
November 25, 1980.....	. 195848
November 26, 1980.....	. 199382
November 27, 1980.....	Holiday
November 28, 1980.....	. 195523

##### Iran rial:

November 24-28, 1980.....	Not available
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##### Philippines peso:

November 24-28, 1980.....	\$0. 1324
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## Singapore dollar:

November 24, 1980..... \$0. 477555

November 25-28, 1980..... . 477327

## Thailand baht (tical):

November 24-28, 1980..... \$0. 0485

## Venezuela bolivar:

November 24-28, 1980..... \$0. 2329

(LIQ-3-01 O:C:E)

Dated: November 28, 1980.

GWENN K. KIRSCHNER,  
*Acting Chief,*  
*Customs Information Exchange.*

(T.D. 80-293)

## Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in T.D. 80-249 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates:

## Austria schilling:

November 24, 1980..... \$0. 073529

November 25, 1980..... . 073746

November 26, 1980..... . 073394

November 27, 1980..... Holiday

November 28, 1980..... . 073206

## Belgium franc:

November 24, 1980..... \$0. 032436

November 25, 1980..... . 032552

November 26, 1980..... . 032373

November 27, 1980..... Holiday

November 28, 1980..... . 032289

## Denmark krone:

November 24, 1980..... \$0. 169866

November 25, 1980..... Quarterly

November 26, 1980..... . 169463

November 27, 1980..... Holiday

November 28, 1980..... . 169019

## France franc:

November 24, 1980	.....	\$0. 224593
November 25, 1980	.....	. 225149
November 26, 1980	.....	. 224291
November 27, 1980	.....	Holiday
November 28, 1980	.....	. 223614

## Germany deutsche mark:

November 24, 1980	.....	\$0. 521567
November 25, 1980	.....	. 523286
November 26, 1980	.....	. 520481
November 27, 1980	.....	Holiday
November 28, 1980	.....	. 518968

## Ireland pound:

November 24-25, 1980	.....	\$1. 9480
November 26, 1980	.....	1. 9375
November 27, 1980	.....	Holiday
November 28, 1980	.....	1. 9330

## Italy lira:

November 24, 1980	.....	\$0. 001098
November 25, 1980	.....	. 001097
November 26, 1980	.....	. 001095
November 27, 1980	.....	Holiday
November 28, 1980	.....	. 001093

## Netherlands guilder:

November 24, 1980	.....	\$0. 480769
November 25, 1980	.....	. 482276
November 26, 1980	.....	. 479731
November 27, 1980	.....	Holiday
November 28, 1980	.....	. 478927

## Spain peseta:

November 26, 1980	.....	\$0. 012845
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## Sri Lanka rupee:

November 24-28, 1980	.....	\$0. 058140
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## Switzerland franc:

November 24, 1980	.....	\$0. 577534
November 25, 1980	.....	Quarterly
November 26, 1980	.....	. 578536
November 27, 1980	.....	Holiday
November 28, 1980	.....	. 575209

(LIQ-3-01 O:C:E)

Dated: November 28, 1980.

GWENN K. KIRSCHNER,  
*Acting Chief,*  
*Customs Information Exchange.*



(T.D. 80-294)

## Bonds

Approval and discontinuance of consolidated aircraft bonds (air carrier blanket bonds), Customs form 7605

The following consolidated aircraft bonds have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by the figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Dated: December 9, 1980.

Name of principal and surety	Date term commences	Date of approval	Filed with district director/area director/amount
Cia Mexicana de Aviacion, S.A., Apartado 901, Mexico D.F.; Federal Insurance Co. <sup>1</sup>	Oct. 31, 1980	Oct. 31, 1980	New York, NY \$100,000
Kuwait Airways Corp., 30 Rockefeller Plaza, NY, NY; American Casualty Co. of Reading, PA. <sup>2</sup>	Nov. 12, 1980	Nov. 12, 1980	New York Seaport \$100,000
Seaboard World Airlines, Inc., John F. Kennedy Airport, Jamaica, NY; Peerless Ins. Co. D 10/17/80	Apr. 14, 1980	Apr. 14, 1980	J. F. K. Airport \$100,000
Western Air Lines, Inc., 6150 Century, Los Angeles, CA; Travelers Indemnity Co. <sup>1</sup>	June 30, 1980	Aug. 11, 1980	Anchorage, AK \$100,000
Western Air Lines, Inc. P.O. Box 90, 005, Airport Station, Los Angeles, CA; Federal Insurance Co. D 8/10/80	May 11, 1967	June 30, 1967	Los Angeles, CA \$100,000

<sup>1</sup> The foregoing principal has been designated as a carrier of bonded merchandise.

<sup>2</sup> The foregoing principal has not been designated as a carrier of bonded merchandise.

BON-3-03

MARILYN G. MORRISON,  
*Director,*  
*Carriers, Drawback and Bonds Division.*

(T.D. 80-295)

## Cotton and Manmade Fiber Textile Products—Restriction on Entry

Restriction on entry of cotton and manmade fiber textile products manufactured or produced in the Dominican Republic

There is published below a directive of October 7, 1980, received by the Commissioner of Customs from the chairman, Committee for

the Implementation of Textile Agreements, concerning restriction on entry of cotton and manmade fiber textile products in certain categories manufactured or produced in the Dominican Republic. This directive amends, but does not cancel, that committee's directive of May 30, 1980 (T.D. 80-174).

This directive was published in the Federal Register on October 14, 1980 (45 F.R. 67714), by the committee.

(QUO-2-1)

Dated: November 25, 1980.

WILLIAM D. SLYNE

(For Richard R. Rosettie, Acting  
Director, Duty Assessment Division).

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(T.D. 80-296)

#### Synopses of Drawback Decisions

The following are synopses of drawback rates issued May 19, 1980, to October 6, 1980, inclusive, pursuant to sections 22.1 through 22.5, inclusive Customs Regulations.

In the synopses below are listed for each drawback rate approved under 19 U.S.C. 1313(a), the name of the company, the specified articles on which drawback is authorized, the merchandise which will be used to manufacture or produce these articles, the factories where the work will be accomplished, the date the statement was signed, the basis for determining payment, the Regional Commissioner who issued the rate, and the date on which it was signed.

(DRA-1-09)

Dated: December 9, 1980.

MARILYN G. MORRISON,

*Director,  
Carriers, Drawback and Bonds Division.*

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(A) Company: Allied Pipe and Supply, Inc.

Articles: API tubing and pup joints.

Merchandise: Imported plain end API tubing.

Factory: Houston, Tex.

Statement signed: August 6, 1980.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: Houston, September 9, 1980.

(B) Company: Baker Material Handling Corp.

Articles: Forklift trucks, attachments, assemblies and parts.

Merchandise: Imported forklift chassis, attachments, assemblies, and parts.

Factory: Brooklyn, Ohio.

Statement signed: June 18, 1980.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Chicago, September 16, 1980.

(C) Company: Bennett Pump Co.

Articles: Service station gasoline pumps and barrel pumps for other petroleum products.

Merchandise: Imported mechanical computers, see gage bodies, flanges, lip pistons, three-pole switches, hub control valves, control valve stems, explosion proof fluorescent lighting, and bearings.

Factory: Muskegon, Mich.

Statement signed: August 1, 1980.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Chicago, August 26, 1980.

(D) Company: Dyonics Inc.

Articles: Endoscopes and replacement parts; light guides.

Merchandise: Imported lenses, stainless steel tubing, flexible tubing, prisms.

Factory: Woburn, Mass.

Statement signed: July 23, 1980.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: Boston, August 20, 1980.

(E) Company: E. I. du Pont de Nemours and Co., Inc.

Articles: Pesticides.

Merchandise: Imported cyanamide.

Factory: Belle, W. Va.

Statement signed: August 1, 1980.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Baltimore, September 18, 1980.

(F) Company: Extel Corp.

Articles: Teleprinters and parts and subassemblies thereof.

Merchandise: Imported parts and subassemblies of teleprinters, such as but not limited to paper type punches, electronic PC boards, and electric motors.

Factories: Northbrook, Ill. (7).

Statement signed: July 3, 1980.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: Chicago, August 20, 1980.

(G) Company: Fabric Embossing Co., Inc.

Articles: Embossed piece goods.

Merchandise: Imported piece goods.

Factory: New York, N.Y.

Statement signed: July 30, 1980.

Basis of claim: Used in, less valuable waste.

Rate issued by Regional Commissioner of Customs: New York, August 13, 1980.

(H) Company: FloScan Instrument Co.

Articles: Flow transducers.

Merchandise: Imported unset jewel bearings, steel pivots, capacitors, resistors, light emitting diodes, phototransistors.

Factory: Seattle, Wash.

Statement signed: February 15, 1980.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: San Francisco, September 11, 1980.

Revokes: T.D. 79-268-F.

(I) Company: Flynt Knits Inc.

Articles: Greige circular knitted fabric, finished circular knitted fabric.

Merchandise: Imported 20 denier monofilament yarn.

Factories: Greensboro, Graham, Burlington, and Ashville, N.C.

Statement signed: July 2, 1980.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: Baltimore, August 4, 1980.

(J) Company: Ford Motor Co.

Articles: Passenger cars; trucks; and finished parts and subassemblies thereof.

Merchandise: Imported and drawback automobile and truck parts, finished and unfinished; imported clocks, tires, inner tubes, radios, and parts.

Factories: Various factories as listed in manufacturer's statement.

Statement signed: April 30, 1980.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: Chicago, May 19, 1980.

Revokes: T.D. 54547-B.

(K) Company: Hart Ski Manufacturing Co., Inc.

Articles: Skis.

Merchandise: Imported rubber foil, laminated plastic sheeting, plastic sheeting base material, steel edges, rubber strips, top-combined and bottom-combined laminates, top and bottom material, metal parts and fleece.

Factory: St. Paul, Minn.

Statement signed: August 5, 1980.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Chicago, August 20, 1980.

Revokes: T.D. 79-260-N.

(L) Company: Hewlett Packard.

Articles: Functional printed circuit boards and other electronic assemblies.

Merchandise: Imported nonfunctional printed circuit boards and other electronic assemblies.

Factory: Cupertino, Calif.

Statement signed: July 21, 1980.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: San Francisco, August 21, 1980.

(M) Company: Hughes Aircraft Co.

Articles: Communication satellites, spacecraft, and electronic and mechanical subassemblies for satellites and spacecraft.

Merchandise: Imported electronic and mechanical components.

Factory: El Segundo, Calif.

Statement signed: September 9, 1980.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Los Angeles, October 6, 1980.

Revokes: T.D. 71-97-P.

(N) Company: Interroll Corp.

Articles: Interroll agricon hanging cableway tractor.

Merchandise: Imported and/or drawback Deutz 8 hp diesel industrial air cooled engine, model FIL 208.

Factory: Pompano Beach, Fla.

Statement signed: August 11, 1980.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: New York,  
August 20, 1980.

(O) Company: Lore' International (Disc.), Inc.

Articles: Silk wearing apparel.

Merchandise: Imported silk yardage.

Factory: Los Angeles, Calif.

Statement signed: July 29, 1980.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Los Angeles,  
August 6, 1980.

(P) Company: Nashua Corp.

Articles: Carbonless paper.

Merchandise: Imported BB138, DVL, DEBN (red), ATP (green),  
C-1261, DEPM, and BLMB dyes.

Factories: Merrimack and Nashua, N.H.

Statement signed: August 19, 1980.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Boston, Au-  
gust 28, 1980.

Revokes: T.D. 78-301-R, as amended by T.D. 79-125-R.

(Q) Company: National Pharmaceutical Manufacturing Co.

Articles: Glass bottles containing pharmaceutical materials.

Merchandise: Imported glass bottles.

Factory: Baltimore, Md.

Statement signed: August 1, 1980.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Baltimore,  
September 17, 1980.

(R) Company: Nicholson Manufacturing Co.

Articles: Chippers, barkers, complete fixed and mobile mills, chip  
screens, loaders, cut-off saws, and spare parts.

Merchandise: Imported castings, bearings, rolled drums, carbide for  
knife edges, gear boxes, ring bearings, electric motors, engines,  
hydraulic pumps and motors, steel.

Factory: Seattle, Wash.

Statement signed: July 7, 1980.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: San Francisco,  
July 14, 1980.

(S) Company: Petit-Bateau U.S.A. Inc.

Articles: Short Sleeve T-shirts.

Merchandise: Imported knitted fabric.

Factory: Newtown, Pa.

Statement signed: July 10, 1980.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: New York,  
August 8, 1980.

(T) Company: Polaroid Corp.

Articles: Polacolor bulk negative, SX-70 bulk negative, type 88 film packs, type 108 film packs and SX-70 film packs.

Merchandise: Imported and/or drawback photographic gel; inert gel, deionized gel and derivatized gel.

Factories: New Bedford, Waltham, and Needham, Mass.

Statement signed: August 4, 1980.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: New York,  
August 21, 1980.

(U) Company: Power Packaging Corp.

Articles: Dry beverage powdered drink bases.

Merchandise: Imported encapsulated alcohol; drawback refined sugar.

Factory: Placentia, Calif.

Statement signed: July 3, 1980.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Los Angeles,  
August 6, 1980.

Revokes: T.D. 80-204-S.

(V) Company: Pulsar Time, Inc.

Articles: Dialed movements, finished watches with or without bands or bracelets.

Merchandise: Imported watch heads, watch movements, modules, watch cases, watch dials, bracelets, straps, watch bands.

Factory: Allendale, N.J.

Statement signed: July 30, 1980.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: New York,  
August 8, 1980.

(W) Company: Roskamp Manufacturing, Inc.

Articles: Roller mills and finished rolls.

Merchandise: Imported iron with shafts.

Factories: Cedar Falls and Waterloo, Iowa.

Statement signed: July 21, 1980.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Chicago, August 15, 1980.

Revokes: T.D. 69-144-Q.

(X) Company: Teledyne Allvac.

Articles: Titanium alloy mill products—ingot, billet, bar.

Merchandise: Imported titanium sponge.

Factory: Monroe, N.C.

Statement signed: August 25, 1980.

Basis of claim: Used in, less valuable waste.

Rate issued by Regional Commissioner of Customs: Baltimore, September 12, 1980.

(Y) Company: Teledyne Vasco Division of Teledyne Industries, Inc.

Articles: Titanium sheet, wire rods and other semi-finished forms.

Merchandise: Imported and/or drawback titanium ingots and bar.

Factories: Latrobe and Monaco, Pa.; Halifax, Va.

Statement signed: July 24, 1980.

Basis of claim: Used in, less valuable waste.

Rate issued by Regional Commissioner of Customs: New York, August 13, 1980.

(Z) Company: Weyerhaeuser Co.

Articles: Prefinished plywood doorskins; prefinished plywood panels; vinyl or paper overlay panels.

Merchandise: Imported doorskins and plywood panels.

Factories: Corona and Cucamonga, Calif.; Fort Wayne, Ind.; Aberdeen, Wash.; Chesapeake, Va.; Memphis, Tenn.

Statement signed: July 25, 1980.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: Los Angeles, August 25, 1980.

Revokes: T.D. 54728-G, as amended by T.D.'s 55003-K, 55214-H, 56328-Z, 69-132-W, 70-12-Y, 74-179-N, and 76-287-R.

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Exxon Chemical Co., U.S.A. operating under T.D. 78-379-I has changed its name to Exxon Chemical Americas, a division of Exxon Chemical Co.

Seydel-Woolley & Co. operating under T.D. 76-114-N, as amended by T.D. 76-300-W has changed its name to AZS Corp.

Seydel Companies operating under T.D. 76-300-V has changed its name to Seydel International, Inc.



(T.D. 80-297)

## Synopsis of Drawback Decisions

The following are synopses of drawback rates issued March 28, 1980, to October 6, 1980, inclusive, pursuant to sections 22.1 through 22.5, inclusive, Customs Regulations.

In the synopses below are listed for each drawback rate approved under 19 U.S.C. 1313(b), the name of the company, the specified articles on which drawback is authorized, the merchandise which will be used to manufacture or produce these articles, the factories where the work will be accomplished, the date the statement was signed, the basis for determining payment, the Regional Commissioner to whom the rate was forwarded, and the date on which it was forwarded.

Dated: December 9, 1980.

(DRA-1-09)

MARILYN G. MORRISON,  
*Director,*  
*Carriers, Drawback and Bonds Division.*

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(A) Company: American Appliance Manufacturing Co.

Articles: Hot water heaters, pump tanks, storage tanks, and parts thereof.

Merchandise: Cold and hot rolled steel sheet, strip and blanks.

Factories: Santa Monica and Huntington Park, Calif.

Statement signed: August 25, 1980.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: New York,  
October 3, 1980.

(B) Company: Armco Inc.

Articles: Mechanical tubing, steel plates, sheets, and coils.

Merchandise: Steel slabs rimmed steel.

Factories: Middletown, Ohio; Ashland, Ky.

Statement signed: March 7, 1980.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: Chicago,  
September 16, 1980.

(C) Company: Cardinal American Corp., Cardinal Threading Division.

Articles: Steel fasteners, mainly rods, studs, and bolts.

Merchandise: Steel rods.

Factory: Bedford Heights, Ohio.

Statement signed: February 25, 1980.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs in accordance with section 22.4(o)(2): Chicago, March 28, 1980.

Revokes: T.D. 79-192-S, to cover a change in name from Production Experts, Inc., Cardinal Foundry & Supply Co., Threading Division, and to cover a change in location of factory.

(D) Company: Chase Brass & Copper Co., Inc., Chase Nuclear Division.

Articles: Titanium products and titanium alloy products in the form of billet, bar, seamless pipe, and extruded shapes.

Merchandise: Titanium, commercially pure, and alloy grades in the form of billet, bar, pipe, and extruded parts.

Factory: Waterbury, Conn.

Statement signed: May 30, 1980.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: New York, October 3, 1980.

(E) Company: Clepro Inc.

Articles: Rough heavy metal stampings, circles, rings, sprocket and gear blanks, finished sprockets.

Merchandise: Hot rolled steel plates; stainless steel sheets and plates.

Factories: Cleveland, Ohio; (2).

Statement signed: December 28, 1979.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: New York, September 25, 1980.

Revokes: T.D. 75-233-X.

(F) Company: Dow Chemical Co.

Articles: Solid epoxy resins and solutions, brominated epoxy resins and solutions, and vinyl ester resins.

Merchandise: Dow epoxy resin (DER 331).

Factories: Torrance, Calif.; Joliet, Ill.; Freeport, Tex.

Statement signed: April 29, 1980.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: Chicago, September 30, 1980.

Revokes: Headquarter's unpublished authorization letter dated June 12, 1980.

(G) Company: Eli Lilly & Co.

Articles: Fenarimol (Rubigan), a fungicide.

Merchandise: 2-chlorobenzoyl chloride; formamide technical; 5-bromopyrimidine; 2,4'-dichlorobenzophenone.

Factory: Lafayette, Ind.

Statement signed: April 21, 1980.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: Chicago, September 18, 1980.

(H) Company: Eli Lilly & Co.

Articles: Nuarimol (Trimidal), a fungicide.

Merchandise: 2-chlorobenzoyl chloride; formamide technical; 5-bromopyrimidine; 2,4'-dichlorobenzophenone; fluorobenzene.

Factory: Lafayette, Ind.

Statement signed: April 21, 1980.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: Chicago September 19, 1980.

(I) Company: Ethyl Corp.

Articles: Motor fuel antiknock compound.

Merchandise: Ethyl chloride.

Factories: Pasadena, Tex.; Baton Rouge, La.

Statement signed: August 1, 1980.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: New Orleans, October 1, 1980.

(J) Company: Exide Corp.

Articles: Lead acid batteries.

Merchandise: Lead.

Factories: Allentown, Pa.; Atlanta, Ga.; Buffalo, N.Y.; Dallas, Tex.; Fairfield, Conn.; Los Angeles and Milpitas, Calif.; Richmond, Ky.; Sumter, S.C.

Statement signed: May 1, 1980.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs in accordance with section 22.4(o)(2): Baltimore, May 21, 1980.

Revokes: T.D. 79-155-G, to cover change in name from ESB Ray-O-Vac Management Corp.

(K) Company: Farmhand, Inc.

Articles: Farm equipment, machinery, and parts.

Merchandise: Steel sheet, strip, blanks, and plate.

Factories: Green Isle, Minn.; Grinnell, Iowa.

Statement signed: August 19, 1980.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: New York,  
September 16, 1980.

(L) Company: Florida Wire & Cable Co.

Articles: Wire, wire stranded, wire galvanized and wire galvanized and stranded.

Merchandise: High carbon wire rods.

Factories: Jacksonville and Sanderson, Fla.

Statement signed: August 18, 1980.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: Miami,  
October 6, 1980.

(M) Company: Hayes-Albion Corp.

Articles: Automotive and truck exhaust systems, pulleys, door frames, moldings, engine cooling fans, and window assemblies.

Merchandise: Cold rolled sheet steel, aluminized, in coils.

Factories: Jackson, Miss.; West Unity and Bryan, Ohio.

Statement signed: January 7, 1980.

Basis of claim: Used in, less valuable waste.

Rate forwarded to Regional Commissioner of Customs: Chicago,  
October 3, 1980.

(N) Company: Interpace Corp., Lapp Division.

Articles: High voltage insulators.

Merchandise: Malleable iron castings.

Factories: Le Roy, N.Y.; Sandersville, Ga.

Statement signed: September 11, 1980.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: Boston,  
October 6, 1980.

(O) Company: LaSalle Steel Co.

Articles: Drawn steel wire, rod and bar.

Merchandise: Hot rolled steel bar, wire and rod.

Factories: Hammond and Griffiths, Ind.: Spring City, Pa.

Statement signed: April 10, 1980.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: New York,  
October 3, 1980.

(P) Company: Lewcote Chemicals & Plastics, Division of BBF, Inc.

Articles: Reinforcement discs of resin impregnated fiberglass fabrics and resin impregnated roll goods of fiberglass.

Merchandise: Greige goods.

Factory: Millbury, Mass.

Statement signed: September 18, 1980.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: Boston, September 29, 1980.

(Q) Company: Maremont Corp.

Articles: Shock absorbers, exhaust systems and parts such as but not limited to piston rods, tubing for shock absorbers, internal tubing for mufflers, baffle plates.

Merchandise: Cold rolled steel coil; hot rolled rod; galvanized steel coil; aluminized steel coil.

Factories: Chickasha, Okla.; Fort Loramie, Ohio; Loudon, Pulaski, and Ripley, Tenn.; Saco, Maine.

Statement signed: March 26, 1980.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioners of Customs: New York and Chicago, September 23, 1980.

(R) Company: Mercury Stainless Corp.

Articles: Stainless steel sheets, polished, and cut to specifications.

Merchandise: Stainless steel coils.

Factory: Wheeling, Ill.

Statement signed: July 30, 1980.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: Chicago October 1, 1980.

(S) Company: Mid-America Webpress, Inc.

Articles: Complete magazines.

Merchandise: Machine-coated gravure paper.

Factory: Lincoln, Nebr.

Statement signed: March 29, 1979.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: New York, September 25, 1980.

(T) Company: Mor-Flo Industries, Inc.

Articles: Hot water heaters; pump tanks; storage tanks.

Merchandise: Hot and cold rolled steel sheet, strip, and blanks.

Factory: Johnson City, Tenn.

Statement signed: September 4, 1980.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: New York, September 16, 1980.

(U) Sharon Steel Corp.

Articles: Hot and cold rolled steel sheet, strip; coated steel (galvanized or zincrometal) sheet and strip; steel plate and bars; structural shapes.

Merchandise: Steel ingots, billets, blooms, and slabs.

Factory: Farrell, Pa.

Statement signed: August 7, 1980.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: New York September 25, 1980.

(V) Company: Southwestern Porcelain, Inc.

Articles: Agricultura' forage and grain silos; liquid manure tanks.

Merchandise: Porcelain enameling hot rolled steel sheets, plates, and blanks.

Factory: Sand Springs, Okla.

Statement signed: June 30, 1980.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: New York, September 23, 1980.

Revokes: T.D. 79-78-X and T.D. 79-259-X.

(W) Company: Tillie Lewis Foods, Division of Ogden Food Products Corp.

Articles: Metal containers.

Merchandise: Electrolytic tinplate and tin-free steel.

Factory: Stockton, Calif.

Statement signed: May 27, 1980.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs in accordance with section 22.4(o)(2): San Francisco, September 3, 1980.

Revokes: T.D. 77-135-Y, to cover successorship from Tillie Lewis Foods, Inc.

(X) Company: Tillie Lewis Foods, Division of Ogden Food Products Corp.

Articles: Canned fruits, fruit cocktail, fruits for salad, fruit nectars, tomato catsup and chili sauce.

Merchandise: Hard and liquid refined sugar.

Factory: Stockton, Calif.

Statement signed: May 27, 1980.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs in accordance with section 22.4(o)(2): San Francisco, October 2, 1980.

Revokes: T.D. 54975-D, as amended by T.D. 55587-D, to cover successorship from Tillie Lewis Foods, Inc.

(Y) Company: Vanderbilt Chemical Corp.

Articles: Ethyl tellurac (tellurium diethyldithiocarbamate) in powder or rod forms.

Merchandise: Tellurium dioxide.

Factory: Murray, Ky.

Statement signed: September 27, 1979.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: New York, September 18, 1980.

Revokes: T.D. 55401-G.

(Z) Company: Wellman Industries, Inc.

Articles: Wool, sorted and/or graded, scoured (from grease wool), carded, comb waste (noils), combed (tops and preshrunk tops), and wool matchings.

Merchandise: Grease wool; scoured wool.

Factory: Johnsonville, S.C.

Statement signed: August 8, 1980.

Basis of claim: Used in, with distribution to the products obtained in accordance with their relative value at the time of separation.

Rate forwarded to Regional Commissioners of Customs: Boston, New York, Baltimore, and Miami, September 29, 1980.

Revokes: T.D. 55587-P.

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### (T.D. 80-298)

## Guidelines for Disposition of Violations of the Timely Entry Summary Filing Requirements

### 1. INTRODUCTION

The following materials have been distributed throughout the Customs Service as Manual Supplement 4400-01, dated November 18 1980. The Manual Supplement promulgates new procedures and guidelines for disposing of violations of the timely entry summary filing requirements contained in part 142, Customs Regulations (19 CFR part 142) as authorized by sections 484(a) and 448(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1484(a), 1448(b)).

## 2. BACKGROUND

When merchandise is released under sections 142.3(a) and 142.21, Customs Regulations (19 CFR 142.3(a), 142.21) before the entry summary is filed, the entry summary must be filed within 10 working days in accordance with sections 142.21(a) and 142.23, Customs Regulations (19 CFR 142.21(a), 142.23). An importer filing the entry summary late is subject to a demand for liquidated damages in the amount of the value of the goods plus any duties and taxes owing (see sec. 113.14(g) (1) and (2), Customs Regulations (19 CFR 113.14(g) (1) and (2))).

The demand is issued on the CF 5955A and the violator is offered the opportunity to petition for relief. Guidelines contained in the Fines, Penalties and Forfeitures Handbook and section 172.22(d), Customs Regulations, are applied in disposition of the cases. The process is lengthy and time consuming. Generally, the issues involved are the same and there is very little unusual by way of explanation that the petitioner can offer to justify mitigation which would vary from the guidelines.

Practices vary widely through out the Customs Service. Some district follow the guidelines strictly. Others have established practices which permit more lenient application of the guidelines. The results in any event have been less than uniform. Because of the routine nature of the cases, the amount of work per case performed by both Customs and the public has been excessive.

Some districts have used a parking ticket approach in making demands for liquidated damages in timely entry summary violations. The violator is advised of the violation and that he may pay a certain sum in satisfaction of the case, perhaps together with the filing of a petition.

This approach has genuine merit. Routine cases may be routinely mitigated, while the petitioning process which usually only postpones what is in ordinary cases a predetermined decision may be avoided. Generally Customs has established mitigation based upon the number of days the entry summary is late. Under the existing petitioning procedure, arguments for relief rarely establish bases for varying from the usual amounts. By eliminating the petitioning step both the importer and Customs are saved time and money.

Also, with our new cash flow procedure duties are being deposited usually before the entry summary is rejected. The old guidelines were calculated to deny the importer the advantage of the use of his money during the period which the duties were withheld. These old guidelines now arguably impose an unintended result when applied in cases where the duty has already been deposited. New guidelines in this area have been argued for as a matter of fairness.



Accordingly, it is our purpose to adopt new guidelines which in part incorporate concepts already in use in the field in disposing of these types of violations. Instructions for calculating mitigated amounts have been prepared together with a modified CF 5955A for use especially in timely entry summary cases.

### 3. ACTION

Commencing on January 19, 1981, Customs shall issue demands for liquidated damages for failure to file entry summaries timely in accordance with the following instructions.

a. *Modified CF 5955A*.—Notices of Liquidated Damages Incurred (CF 5955A) shall be issued on the modified form attached as attachment A (attachment A may be photocopied or the information may be typed on each CF 5955A at the discretion of each field office). The modified form specifies two options from which the petitioner may choose to resolve the demand made against him.

(1) *Option 1*.—He may pay a specified sum within 60 days and the case will be closed. By electing this option in lieu of petitioning, he waives his right to file a petition. He may, however, file a supplemental petition, if he does so in accordance with the Customs Regulations and has some new fact or information which merits consideration.

(2) *Option 2*.—The second option is to file a petition seeking presumably more relief than would be had by paying the mitigated amount specified. The District or Area Director shall dispose of this petition in accordance with section 172.22(d), Customs Regulations. Ordinarily, mitigation under option 2 shall not be in an amount in excess of the amount determined in accordance with option 1 unless there are extraordinary aggravating circumstances present.

b. *Calculation of Mitigated Amount*.—The following schedules set forth the amounts and where appropriate the calculations to be used in determining mitigated amounts.

(1) *Nondutiable Entry*.—Entry summary filed late:

- (a) 1-5 days late: \$50.
- (b) 6-10 days late: \$100.
- (c) Over 10 days late: \$150.

(2) *Nondutiable Entry*.—Entry summary filed timely, rejected and refiled late:

- (a) 1-5 days late: \$25.
- (b) 6-10 days late: \$50.
- (c) Over 10 days late: \$75.

(3) *Dutiable Entry*.—Entry summary filed and duty deposited timely, summary rejected and refiled late:

- (a) 1-5 days late: \$50.

(b) 6-10 days late: \$100.

(c) 11-30 days late: \$150.

(d) Over 30 days late: 10 percent of duty but not less than \$200.

(4) *Dutiable Entry*.—Entry summary filed late, and/or duties not deposited:

The mitigated amounts in this category must vary according to the amount of the duty withheld in order to encourage compliance with the law and regulations. If the amounts were fixed at a small flat rate without regard to the amount of the duties actually withheld, we would be in effect encouraging importers to pay their duties late because it would be cheaper to borrow the money from the Government than from private lenders. The first increment is from \$.01 to \$1,000 and the latter increments are in amounts of \$10,000.

(a) Withheld Duty; \$.01 to \$1,000:

(i) 1-10 days late: 10 percent of the duty but not less than \$100.

(ii) 11-30 days late: 50 percent of the duty but not less than \$150.

(iii) Over 30 days late: 100 percent of the duty but not less than \$200.

(b) Withheld Duty; \$1,001 to \$10,000: (The mitigated amounts in this category are the base figures for calculating mitigated amounts for all increments larger than \$10,000):

(i) 1-5 days late: \$100.

(ii) 6-10 days late: \$200.

(iii) 11-30 days late: \$300.

(iv) Over 30 days late: \$300 plus \$300 for each additional 30 days or a portion thereof.

(c) Withheld Duty; \$10,001 to \$20,000:

(i) 1-5 days late: 2 times the base figure of \$100 equal \$200.

(ii) 6-10 days late: 2 times the base figure of \$200 equal \$400.

(iii) 11-30 days late: 2 times the base figure of \$300 equal \$600.

(iv) Over 30 days late: 2 times the base figure of \$300 plus \$300 for each additional 30 days or a portion thereof equal \$1,200 for any number of days between 31 and 60.

(d) Withheld Duty; \$20,001 to \$30,000:

(i) 1-5 days late: 3 times the base figure equal \$300.

(ii) 6-10 days late: 3 times the base figure equal \$600.

(iii) 11-30 days late: 3 times the base figure equal \$900.

(iv) Over 30 days late: 3 times the base figure equal \$1,800 for any number of days between 31 and 60.

(e) Withheld Duty in Excess of \$30,000: Following the same pattern established in subsections (c) and (d) above, mitigated amounts may be calculated by multiplying the base figure for the number of days late as established in subsection (b) by the appropriate factor for the increment in which the amount of the withheld duties falls.

Increments are in amounts of \$10,000 for all but the first \$1,000. The factor is the first digit of the last number in the increment (Ex: 4 for \$30,001 to \$40,000) or the first two digits or first three digits or the like if the withheld duties exceed \$100,000 (Ex: 24 for \$230,001 to \$240,000 or 782 for \$7,810,001 to \$7,820,000)

c. *Entry Summary Not Filed.*—If at the time the demand for liquidated damages is issued the entry summary has not been filed, the full amount of the liquidated damages shall be assessed and no mitigated amount shall be offered under Option 1. A prerequisite for any mitigation of a demand for liquidated damages under this procedure is that the entry summary has been filed and the duty deposited. Therefore, no demand will be mitigated until the summary is filed and the duty deposited.

d. *Second Offenses.*—No account will be taken in following this procedure of whether the violation constitutes a second or subsequent offense. If an importer frequently abuses his privileges and fails to meet his obligations under immediate release procedures, steps will be taken in accordance with the regulations and existing policy directives to suspend those privileges.

#### 4. SUPERSEDED MATERIAL

Customs Circular ENT-3-PEN, dated September 27, 1972, is superseded by Manual Supplement 4400-01, dated November 18, 1980.

#### 5. ATTACHMENT

DONALD W. LEWIS,  
*Director, Office of  
Regulations and Rulings.*

(RRUEM, 611077 JP)

Dated: December 9, 1980.

ATTACHMENT

- 6 -

<b>NOTICE OF PENALTY OR LIQUIDATED DAMAGES INCURRED AND DEMAND FOR PAYMENT</b>		Case Number																						
		Port Name and Code																						
		Investigation File No.																						
TO: <span style="font-size: 2em; vertical-align: middle;">[</span>																								
DEMAND IS HEREBY MADE FOR PAYMENT OF \$ _____, representing <input type="checkbox"/> Penalties or <input type="checkbox"/> Liquidated Damages assessed against you for violation of law or regulation, or breach of bond, as set forth below: <u>FAILURE TO FILE ENTRY SUMMARY TIMELY</u> <p>The entry summary for entry number _____ was due on _____. It was filed and accepted on _____, or _____ days late. You may choose one of the following options in order to obtain mitigation of this demand:</p> <p>1. You may pay _____ within 60 days of the date of this notice upon receipt of which the demand for liquidated damages will be cancelled. This payment is made in lieu of filing a petition and constitutes a waiver of the right to file a petition.</p> <p>2. You may petition for relief as specified below. You should petition only when you believe that additional relief from that provided in Option 1 is warranted and can be substantiated.</p> <p style="text-align: right;">(continue facts on reverse)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">LAW OR REGULATION VIOLATED</td> <td style="width: 50%;">BOND BREACHED</td> </tr> <tr> <td style="height: 40px;"></td> <td></td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">DESCRIPTION OF BOND (if any)</td> <td style="width: 20%;">Form Number</td> <td style="width: 20%;">Amount \$</td> <td style="width: 30%;">Date</td> </tr> <tr> <td colspan="3">Name and Address of Principal in Bond</td> <td>Surety Identification No.</td> </tr> <tr> <td colspan="3">Name and Address of Surety on Bond</td> <td></td> </tr> </table> <p>If you feel there are extenuating circumstances, you have the right to object to the above action. Your petition should explain why you should not be penalized for the cited violation. Write the petition as a letter or in legal form; submit in duplicate (triplicate), addressed to the Commissioner of Customs, and forward to the District Director of Customs at _____.</p> <p>Unless the amount herein demanded is paid or a petition for relief is filed with the District Director of Customs within 60 days from the date hereof, further action will be taken in connection with your bond or the matter will be referred to the United States Attorney.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Signature</td> <td style="width: 40%;">Title</td> <td style="width: 20%;">Date</td> </tr> <tr> <td>By:</td> <td></td> <td></td> </tr> </table>			LAW OR REGULATION VIOLATED	BOND BREACHED			DESCRIPTION OF BOND (if any)	Form Number	Amount \$	Date	Name and Address of Principal in Bond			Surety Identification No.	Name and Address of Surety on Bond				Signature	Title	Date	By:		
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Signature	Title	Date																						
By:																								

 DEPARTMENT OF THE TREASURY  
 U. S. CUSTOMS SERVICE  
 23.11, 23.25, C.M.

Customs Form 5955-A (10-9-73)

# U.S. Customs Service

## *Proposed Rulemaking*

(19 CFR Part 101)

### General Provisions

Proposed change in field organization of the Customs Service

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This notice proposes to change the field organization of the Customs Service by consolidating the Customs districts of Houston, Galveston, and Port Arthur, Tex., under the Houston district and by consolidating the Galveston and Houston ports of entry in the new Houston district. The proposed consolidation of the Customs districts would significantly reduce administrative salaries and expenses without impairing services to area businesses or the general public. The proposed consolidation of the ports of entry would result in simplified vessel entry and clearance procedures, fewer penalties for vessels failing to comply with these procedures, reduced overtime expenses, and reduced paperwork for all parties involved. The proposed change is part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

DATES: Comments must be received on or before (60 days from the date of publication in the Federal Register).

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, attention: Regulations and Information Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Renee DeAtley, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-8157.

## SUPPLEMENTARY INFORMATION:

## BACKGROUND

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, the Customs Service proposes to consolidate the Houston, Galveston, and Port Arthur, Customs districts.

Inasmuch as the three districts are located near one another and perform similar services, it is estimated that the proposed consolidation would significantly reduce administrative salaries and expenses without impairing Customs ability to provide services to area businesses or the general public. In addition, Customs brokers currently licensed in one of the affected districts would be considered licensed in the other districts.

Vessels moving between Galveston and Houston must now enter and clear Customs at both ports of entry as required by 19 U.S.C. 1443 and 1444. The proposed consolidation of the port would allow vessels to enter and move between various locations along the 43-mile stretch of the channel between Galveston and Houston by entering and clearing at either port.

In addition, merchandise unladen at Galveston destined for Houston now must be shipped in-bond, requiring an entry at Galveston before it can be moved. Under the single-port concept, the merchandise could arrive at Galveston, be shipped to Houston without bond and entered for Customs purposes at Houston. An importer also could make entry at Houston and pick up merchandise at Galveston.

It is anticipated that the proposed consolidation also would reduce penalties incurred if carriers fail to enter and properly clear merchandise being shipped between Galveston and Houston; reduce overtime because carriers frequently travel between the ports outside normal business hours; and reduce paperwork for carriers, importers, and Customs because of the reduction of penalty cases and after hour entries. As consolidated, the new Houston district limits would encompass:

That part of the State of Texas lying south of latitude 32° N., and east of longitude 97° W., including the area from Sabine Pass north along the State line to the north boundary line of Shelby County; west to the Neches River; down the western shore of the Neches River to the north boundary of Jefferson County; westerly along that boundary to the easy boundary of Liberty County; south to the Gulf of Mexico; also the counties of Galveston, Matagorda, Chambers, Calhoun, Refugio, Brazoria, San Patricio, Nueces, and Aransas in the State of Texas and the parishes of Cameron and Calcasieu in the State of Louisiana.

The following ports of entry would be included in the Houston District:

Houston-Galveston, Beaumont, Orange, Port Arthur, Sabine, Port Bolivar, Texas City, Corpus Christi, Freeport, and Port Lavaca-Point Comfort, Texas; and Lake Charles, Louisiana.

The port limits for the consolidated port of Houston-Galveston would encompass:

All of the territory within the corporate limits of the city of Houston; the territory embracing Harris County lying east of the corporate limits of Houston, bounded on the north by Crosby Road, and on the south by Clear Creek, and Clear Lake; and Galveston, Tex., including Port Bolivar and Texas City, all in the State of Texas.

If the proposed change is adopted, the list of Customs regions, districts, and ports of entry in section 101.3(b), Customs Regulations (19 CFR 101.3(b)), would be amended accordingly.

#### COMMENTS

Before adopting this proposal, consideration will be given to any written comments submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.8(b), Customs Regulations (19 CFR 103.8(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations and Information Division, room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

#### AUTHORITY

This change is proposed under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp., ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (44 F.R. 31057).

#### DRAFTING INFORMATION

The principal author of this document was James A. Seal, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: November 28, 1980.

RICHARD J. DAVIS,  
*Assistant Secretary of the Treasury.*

# United States Court of International Trade

One Federal Plaza  
New York, N.Y. 10007

*Chief Judge*

Edward D. Re

*Judges*

Paul P. Rao  
Morgan Ford  
Scovel Richardson  
Frederick Landis

James L. Watson  
Herbert N. Maletz  
Bernard Newman  
Nils A. Boe

*Senior Judge*

Samuel M. Rosenstein

*Clerk*

Joseph E. Lombardi

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## Decisions of the United States Court of International Trade

*Abstracts*

*Abstracted Protest Decisions*

DEPARTMENT OF THE TREASURY,  
December 1, 1980.

The following abstracts of decisions of the United States Court of International Trade at New York are published for the information and guidance of officers of the Customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to Customs officials in easily locating cases and tracing important facts.

ROBERT E. CHASEN,  
*Commissioner of Customs.*



DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate			
P80/183	Richardson, J. November 25, 1980	F. W. Myers & Co., Inc.	73-1-00280- 81	Item 608.05 0.34 per lb.	Item 608.02 Duty free		F. W. Myers & Co., Inc. v. U.S. (C.D. 4635)	Detroit Sponges from powders
P80/184	Richardson, J. November 25, 1980	F. W. Myers & Co., Inc.	75-8-01975- 81	Item 608.05 0.34 per lb.	Item 608.02 Free of duty		F. W. Myers & Co., Inc. v. U.S. (C.D. 4635)	Champlain-Rouses Point (Ogdensburg) Sponge from powders
P80/185	Newman, J. November 25, 1980	Chartpak, Inc.	76-9-02139	Item 409.00 3.45 per lb. plus 22.5%	Item 474.26 2%		Agreed statement of facts	Boston Silk screen inks
P80/186	Newman, J. November 25, 1980	Koni Photo Corp.	74-3-00736	Item 722.34 10%	Item 722.75 4.5%		Atlas Rand Keystone, d/o Berkey Photo, Inc., et al. v. U.S. (Abs. F80/77)	New York Photographic light meters and photographic meter assemblies
P80/187	Newman, J. November 25, 1980	Nippon Kogaku (USA), Inc.	78-10-01866	Item 722.10 12.5%	Item 722.16 9%		Consent judgment	Chicago Photographic cameras and lenses

# Decision of the United States Court of International Trade

## *Abstracts* *Abstracted Reappraisement Decisions*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R80/344	Newman, J. November 28, 1980	Gehrig, Hoban & Co., Inc.	R68/17295, etc.	United States value	Determined by adding to f.o.b. unit invoice price in Swiss francs converted to a dollar value at rate of ex- change in effect at time of entry (the "claimed value"). 83 % of difference be- tween claimed value and appraised value	Agreed statement of facts	New York Machine tools and accessories and parts thereof

## Recent Unpublished Customs Service Decisions

The following listing of recent administrative decisions issued by the Office of Regulations and Rulings, U.S. Customs Service, and not otherwise published, is published for the information of Customs officers and the importing community. Although the decisions are not of sufficient general interest to warrant publication as Treasury decisions, the listing describes the issues involved and is intended to aid Customs officers and concerned members of the public in identifying matters of interest which recently have been considered by the Office of Regulations and Rulings.

A copy of any decision included in this listing, identified by its date and file number, may be obtained in a form appropriate for public distribution upon written request to the Office of Regulations and Rulings, Attention: Legal Reference Area, Room 2404, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229. These copies will be made available at a cost to the requester of 10 cents per page. However, the Customs Service will waive this charge if the total number of pages copied is 10 or less.

Decisions listed in earlier issues of the CUSTOMS BULLETIN, through July 2, 1980, are available in microfiche format at a cost of \$23.85 (15 cents per sheet of fiche). It is anticipated that additions to the microfiche will be made quarterly and subscriptions are available. Requests for the microfiche now available and for subscriptions should be directed to the Legal Reference Area. Subscribers will automatically receive updates as they are issued and will be billed accordingly.

Dated: December 8, 1980.

B. J. FRITZ

*Director,*

*Regulations & Information Division.*

Date of decision	File No.	Issue
11-24-80	104454	Vessel repair: Remission of duties on cost of repairs to LAHS barges denied
11-13-80	104831	Instruments of international traffic: 16-millimeter film
11-17-80	104892	Foreign aircraft: Whether route of aircraft would violate 49 U.S.C. 1508(b), and whether permit to proceed under section 6.2(d)(1) is applicable
11-17-80	104904	Vessels: Boats made of fiberglass, used primarily for commercial fishing, also for pleasure purposes
11-17-80	104905	Vessels: Whether foreign-built yacht admitted duty free under 812.30, remains exempt from duty for remainder of stay in United States regardless of subsequent ownership
11-10-80	104915	Carrier control: Transporting passengers between ports who will assist in seminar on board vessel
11-14-80	104943	Vessel repair: Dutiability under 19 U.S.C. 1466 of cost of hull brushing performed on vessel
11-26-80	712923	Marking: Country-of-origin marking on brushes
11-19-80	713419	Marking: Marking country of origin required on dental products
9-16-80	060846	Classification: Reconsideration of catalysts (417.12)
10-24-80	061514	Classification: Trays for trainer plants (666.00)
11-14-80	061834	American selling price: Hip waders with nylon bands (700.60)
11-26-80	061970	American selling price: Ladies' sandals (700.60)
10-17-80	0 2918	Classification: Various products produced for excavating and machinery used in construction industry (664.08, 649.43)
10-30-80	062998	Classification: Emblem badges used on automobiles (652.75)
10-23-80	063940	Classification: Microwave oven radiation detector (772.15, 799.00)
10-16-80	064160	Classification: Coats (380.00, 380.12, 380.84)
10-30-80	064174	Classification: Printed paper designed for wedding or birth announcements (274.00, 274.05)
10-21-80	064486	Classification: Body supporting garment (376.28)
10-30-80	064564	Classification: "English style" riding breeches (382.81, 380.84)
10-22-80	064582	Classification: Swiss army sports shirt (380.27)
11- 6-80	064925	Classification: Paint and putty products (408.48, 409.18, 493.10, 413.51)
9- 8-80	064988	Classification: Men's woven long sleeve shirt (380.04)
11-25-80	065042	Classification: Leather upper portions which will be assembled into men's moccasin-style loafers after importation (791.28)
9- 3-80	065059	Classification: Copper-clad epoxy laminated sheets (774.60, 774.55)
10-24-80	065154	Classification: Whether labels on jeans are considered ornamentation
10-10-80	065168	Classification: Carbide tipped scabbler tips (649.43, 674.50)

Date of decision	File No.	Issue
10-10-80	065286	Classification: Japanese-made tires and hubs for model airplane builders (737.95, 774.25)
10-24-80	065307	Classification: Interpretation of General Headnote 6(b)(i), TSUS, relating to metal boxes containing candy or cookies (653.90)
11-14-80	065328	Classification: Whether certain label constitutes ornamentation
11-14-80	065354	Classification: Plastic footwear (700.53)
10- 9-80	065363	Classification: Stepper motor with lead screw for use as component for magnetic disk read/write unit (682.25)
9- 7-80	066033	Classification: Plastic Christmas ornaments (773.10, 772.97)
11-26-80	066068	Classification: Imported components used in assembly of tractor (664.08)
11-13-80	066280	Classification: Hormones diethylstilbestrol diphosphate (412.50)
11-20-80	066288	Classification: Unbleached cotton fabric used to wrap surgical instruments (386.50)
11-20-80	066292	Classification: Plastic bag used in the manufacture of medical waterbeds (772.42)
11-13-80	066305	Classification: Imidazolidyinyl urea, a nonbenzenoid amide (425.22)
10-24-80	066308	Classification: Phenyl acetic acid, methyl phenyl acid, methyl phenyl acetate (404.24, 413.28, 405.60)
11-20-80	066332	Classification: Metal halide printing down lamps (772.94)
10-30-80	066342	Classification: Novelty toy (737.95)
11-13-80	066406	Classification: Iron alloy powder treated with cyclohexanone (606.62)
11-20-80	066430	Classification: Sun visor hat and plastic keyring (772.30, 740.38)
11-14-80	066501	Classification: Ladies' "Bikini" sandal (700.58, 700.60)
10-24-80	066525	American selling price: Women's footwear with woven fabric upper and plastic sole (700.60)
11-14-80	066531	Classification: Flight simulators and parts (678.48, 676.15, 676.30, 676.52)
10-30-80	066533	Classification: Woven wood fabric (357.15, 336.60)
10-23-80	066575	American selling price: Men's footwear with canvas upper and polyurethane sole (700.60)
11-20-80	066690	Classification: Aluminum casings (706.50, 706.55, 657.40)
10-30-80	066742	Classification: Picnic table, hobby bench kit, garden shed kit (727.35, 207.00)
10-30-80	066744	Classification: Stand used to rest household pressing irons (654.01)
10-23-80	066750	Classification: Double-frustum-shape steel sleeve (657.25)
11-20-80	066987	Classification: U.S. drilling pipe returned without being advanced in value entitled duty-free entry

# International Trade Commission Notices

*Investigations by the U.S. International Trade Commission*

DEPARTMENT OF THE TREASURY,  
December 11, 1980

The appended notices relating to investigations by the U.S. International Trade Commission are published for the information of Customs Officers and others concerned.

R. E. CHASEN,  
*Commissioner of Customs.*

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In the Matter of CERTAIN AIRLESS PAINT SPRAY PUMPS AND COMPONENTS THEREOF	}	Investigation No. 337-TA-90
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## *Designation of Commission Investigative Attorney*

Mr. Samuel Bailey is hereby designated as Commission investigative attorney in the above captioned investigation, effective this date. The Secretary is requested to publish this notice in the Federal Register.  
November 28, 1980.

TALBOT S. LINDSTROM, *Chief,*  
*Unfair Import Investigations Division.*

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In the Matter of CERTAIN SPRING ASSEMBLIES AND COMPONENTS THEREOF, AND METHODS OF THEIR MANUFACTURE	}	Investigation No. 337-TA-88
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## *Notice to All Parties*

Notice is hereby given that a prehearing conference will be held in this case at 9 a.m. on January 16, 1981, in the Dodge Center, room 201, 1010 Wisconsin Avenue NW., Washington, D.C.

Notice is also given that the hearing in this proceeding will commence at 9 a.m. on February 2, 1981, in the Dodge Center, room 201, 1010 Wisconsin Avenue NW., Washington, D.C.

The Secretary shall publish this notice in the Federal Register.

Issued: December 2, 1980.

JANET D. SAXON,  
*Administrative Law Judge.*

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**Analysis of Comments and Notice of Withdrawal of Proposed Rule on  
Country-of-Origin Marking**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** The U.S. International Trade Commission hereby withdraws the proposed rule on country-of-origin marking of imported steel wire rope which is sold, offered for sale, or distributed in the United States. A notice of the proposed rule was published for public comment in the Federal Register of February 27, 1980 (45 F.R. 12833)

**EFFECTIVE DATE:** December 2, 1980.

**FOR FURTHER INFORMATION CONTACT:** Jack Simmons, Esq., Office of the General Counsel, telephone 202-523-0493.

**SUPPLEMENTARY INFORMATION:**

**BACKGROUND**

The present rulemaking procedure arises from a petition filed by the Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers (Committee), Kenosha, Wis. The petition alleged mismarkings and failure to mark the country of origin of imported steel wire rope being sold or offered for sale or distribution in the United States. The Committee requested that the International Trade Commission issue a rule, defining as an unfair act and method of competition, within the meaning of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337, hereinafter section 337), the failure to disclose the country of origin of imported steel wire rope which is sold or offered for sale or distribution in the United States. The Committee alleged that there is a preference for domestic steel wire rope, and that proper labeling would permit final users to make a knowledgeable selection in the marketplace.

The Commission conducted an informal inquiry into those allegations, during which several instances of possible mismarking or failure to mark imported steel wire rope were brought to its attention. Thereupon, the Commission published for public comment in the

Federal Register of February 27, 1980, a proposed rule on country-of-origin marking of steel wire rope (45 F.R. 12833). The period for public comment has now expired.

#### SUMMARY OF COMMENTS RECEIVED

Most comments addressed the policy, the advisability, and the legality of the proposed rule, rather than the drafting of the rule itself.

The majority of comments received addressed the need for the rule itself. Of the comments opposed to the rule, the most prevalent was that there is no consumer preference for domestically produced steel wire rope. Several of these comments also stated that the proposed rule discriminates against importers and that it is blatant protectionism. Several comments also argued that the alleged unfair practices are dealt with under existing Federal law. Those comments which favored the proposed rule argued that there is a preference for domestic steel wire rope and that mismarking or failure to mark distorts the market.

Several comments argued that the proposed rule may be inconsistent with article III, paragraph 4, of the General Agreements on Tariffs and Trade (GATT), the national treatment clause. Other comments argued that this reasoning is unpersuasive for two reasons. First, article IX, paragraph 4, specifically permits countries to impose country-of-origin marking requirements. Second, the Protocol of Provisional Application, by which the GATT came into force, states that its provisions shall be applied in a manner not inconsistent with existing legislation.

Several comments also suggested that the proposed rule would create a nontariff barrier. Other comments argued that since the marking requirements would impose minimal costs on those who deal in imported steel wire rope, the proposed rule does not appear to be inconsistent with the less favorable treatment clause of the GATT, article III.

Several comments argued that the proposed rule would conflict with the so-called J list. 19 CFR 134.33. Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304), on which the J list is based, requires country-of-origin labeling on either the product itself or on its container in such form that the ultimate purchaser can discern the country of origin of the product. Several comments argued that the proposed rule does not conflict with this provision, and remedies which it could provide for a violation of the rule are different from those available to the U.S. Customs Service. Therefore, they reasoned that the proposed rule is complementary to Customs practice.



Several comments argued that the proposed rule would follow products further through the stream of commerce than the J list. Other comments argued that if the Commission construes the phrase ultimate consumer as used in the rule to mean exactly the same as the term ultimate purchaser used in Customs J list regulations, there would be no inconsistency.

Several comments stated that most domestic producers of steel wire rope identify their products by a registered trademark. They argued that section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) provides for the seizure and forfeiture of merchandise which violates a trademark. Other comments noted, however, that this provision is not applicable where imported wire rope bears no trademark.

Several comments argued that the Commission has no authority to promulgate substantive rules, and that section 335 of the Tariff Act of 1930 (19 U.S.C. 1335) provides authority for procedural rules only. They further argued that *National Petroleum Refiners v. Federal Trade Commission*, 482 F. 2d 672 (D.C. Cir. 1973), relied upon by the Commission, is inapposite. Other comments, however, argued that, based on the language of section 335, the Commission has the power to issue and enforce the proposed rule, and that *National Petroleum Refiners* is authority for that proposition.

Several comments argued that before a violation of section 337 can be found, all the elements of section 337(a) must be found to exist by the Commission. They argued that to issue a rule under current circumstances would be to presume, without determining, the truth of the allegations regarding these elements. Comments in favor of the rule conceded that these elements must be found and urged the Commission to proceed with its determination in the rulemaking context.

The Commission notes that it has little experience in dealing with allegations of mismarking or failure to mark as an unfair act or method of competition. Comments have demonstrated much controversy over the appropriate scope of the proposed proscribed unfair acts. Given this controversy as well as the necessity of the Commission's making determinations of injury and economic and efficient operation, it has become apparent to the Commission that a rulemaking proceeding would offer few advantages in this case. As such, the Commission believes that better practice would be to treat these allegations under normal section 337 adjudicatory procedures. Especially in an area involving basically unfamiliar alleged unfair acts, using normal adjudicatory proceedings not only would provide greater procedural rights to the parties but would develop a more thorough record for the Commission. Finally, the Commission notes that going forward with a rulemaking proceeding would save no Commission resources, since a full-scale investigation would be required under either a section 33

rulemaking proceeding or a conventional adjudication. In fact, since the comments have demonstrated that findings on all statutory elements would be required in a rulemaking proceeding, and since new procedures would need to be adopted to enable the Commission to make such findings in a rulemaking context, it appears that the use of rulemaking would be more burdensome than adjudication.

#### CONCLUSIONS

On the basis of the comments received and the analysis made, the novelty of the alleged unfair act, the Commission's desire to afford the parties a full and fair opportunity to ventilate all issues, and the fact that rulemaking would not save Commission resources, the Commission has determined to withdraw the proposed rule.

**PUBLIC INSPECTION:** All comments received from the public are available for public inspection in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, during normal business hours.

By order of the Commission.

Issued: December 3, 1980.

KENNETH E. MASON,  
*Secretary.*

# Index

## U.S. Customs Service

Treasury Decisions:	T. D. No.
Carriers bonds.....	80-290
White or Irish potatoes, other than certified seed—tariff rate quota.....	80-291
Foreign currencies:	
Daily certified rates; November 24-28, 1980.....	80-292
Rates which varied from quarterly rate; November 24-28, 1980.....	80-293
Air carrier blanket bonds.....	80-294
Cotton and manmade fiber textile products—restriction on entry if manufactured or produced in the Dominican Republic ....	80-295
Synopses of drawback decisions:	
API tubing and pup joints.....	80-296-A
Forklift trucks, attachments, assemblies and parts.....	80-296-B
Service station gasoline pumps and barrel pumps for other petro- leum products.....	80-296-C
Endoscopes; replacement parts.....	80-296-D
Pesticides.....	80-296-E
Teleprinters and parts and subassemblies.....	80-296-F
Piece goods, embossed.....	80-296-G
Flow transducers.....	80-296-H
Fabric, greige circular knitted.....	80-296-I
Passenger cars; trucks and finished parts.....	80-296-J
Skis.....	80-296-K
Circuit boards.....	80-296-L
Satellites.....	80-296-M
Cableway tractor.....	80-296-N
Silk wearing apparel.....	80-296-O
Carbonless paper.....	80-296-P
Bottles, glass.....	80-296-Q
Chippers, barkers, complete fixed and mobile mills.....	80-296-R
T-shirts, short sleeve.....	80-296-S
Film packs.....	80-296-T
Drink bases, dry beverage powdered.....	80-296-U
Movements, dialed.....	80-296-V
Roller mills and finished rolls.....	80-296-W
Titanium alloy mill products.....	80-296-X
Titanium sheet, wire rods and other semi-finished forms.....	80-296-Y
Plywood doorskins.....	80-296-Z
Water heaters, hot.....	80-297-A
Tubing, steel plate, sheets, and coils.....	80-297-B
Steel fasteners, mainly rods, stud, and bolts.....	80-297-C
Titanium products.....	80-297-D

## Synopsis of drawback decisions—Continued

Metal stampings, circles etc.....	80-297-E
Resins, solid epoxy and solutions.....	80-297-F
Fenarimol (Rubigan).....	80-297-G
Nuarimol (Trimidal).....	80-297-H
Antiknock compound, motor fuel.....	80-297-I
Batteries.....	80-297-J
Farm equipment and machinery.....	80-297-K
Wire, wire stranded together.....	80-297-L
Exhaust systems.....	80-297-M
Insulators, high voltage.....	80-297-N
Steel wire, drawn, rod and bar.....	80-297-O
Fiberglass fabrics.....	80-297-P
Shock absorbers, exhaust systems.....	80-297-Q
Stainless steel sheets, polished and cut to specs.....	80-297-R
Magazines.....	80-297-S
Water heaters, hot.....	80-297-T
Steel sheet, strip.....	80-297-U
Silos, grain.....	80-297-V
Metal containers.....	80-297-W
Fruits, canned; fruit cocktail.....	80-297-X
Ethyl tellurac.....	80-297-Y
Wool, sorted and/or graded and other wool products.....	80-297-Z
Guidelines for disposition of violations of the timely entry summary filing requirements.....	80-298







DEPARTMENT OF THE TREASURY  
U.S. CUSTOMS SERVICE  
WASHINGTON, D.C. 20229

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